

REMARKS

This responds to the Final Office Action mailed on May 17, 05.

Claims 15, 18, 23-27, 42, 45, and 50-54 are amended, claims 1-5, 7, 10-14, 28-32, 35 and 37-41 are canceled without prejudice or disclaimer, and no claims are added; as a result, claims 15-27 and 42-54 are now pending in this application. Each amendment has been made to rewrite a dependent claim to an independent claim by incorporating the limitations of the respective base claim into the formerly dependent claim. Because no new limitations have been added outside of those already present in the base claims, Applicant respectfully submits that the amendments are not narrowing amendments.

In order to expedite prosecution Applicant has canceled claims 1-5, 7, 10-14, 28-32, 35 and 37-41. Applicant believes the canceled claims are patentable and reserves the right to introduce the claims in a continuing application.

§102 Rejection of the Claims

Claims 10-13 and 37-40 were rejected under 35 U.S.C. § 102(e) for anticipation by Heuscher et al. (U.S. 6,510,337). As noted above, Applicant has canceled claims 10-13 and 37-40 without prejudice or disclaimer.

§103 Rejection of the Claims

Claims 1-2, 7, 28-29 and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sheehan et al. (U.S. 5,533,085) in view of Giger et al. (U.S. 5,133,020). As noted above, Applicant has canceled claims 1-2, 7, 28-29 and 35 without prejudice or disclaimer.

Claims 14 and 41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Heuscher et al. (U.S. 6,510,337) in view of Hunziker (U.S. 5,910,111). As noted above, Applicant has canceled claims 14 and 41 without prejudice or disclaimer.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116 – EXPEDITED PROCEDURE

Serial Number: 09/669,395

Filing Date: September 26, 2000

Title: IMAGE DATA BASED RETROSPECTIVE TEMPORAL SELECTION OF MEDICAL IMAGES

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Dkt: 543.004US1

Allowable Subject Matter

Claims 15-27 and 42-54 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has amended claims 15-27 and 42-54 to include all of the limitations of their respective base claims. Applicant respectfully submits that the claims as amended remain allowable.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 373-6954 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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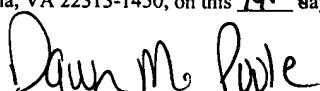
Date September 19, 2005

By 

Rodney L. Lacy
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 19 day of September, 2005.

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